



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail To: admin@germfreewithuv.com

Docket No. F-02-2020-5081

Vladimir Mordukhayev
Germ Free with UV Inc.
14325 84th Drive, Apt STJ
Briarwood, NY 11435-2246

Re: NOTICE OF REFUSAL OF ADMISSION

Import of Ultraviolet Lamps, Entry No. D77-07701133

Dear Mr. Mordukhayev:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or "the Act"), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product Name: WeWand UVC

Importer: Germ Free With UV Inc.

Manufacturer: Oepe Co. Ltd.

Bill Number: SUDUN0KSZ030661X

Entry Number: D77-07701133

Arrival Date: 07/30/20

Entry Filed: 7/15/20

Port of Entry: 4601 – New York/Newark

Your company was previously notified via a Notice of Detention and Hearing ("NOD"), dated August 10, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, your company was told that these products are pesticide devices because they are intended for an antimicrobial purpose and that they are misbranded under Section 2(q) of FIFRA, 7 U.S.C. § 136(q) because the label lacks an EPA establishment number and the name and address of the producer or distributor as required by 40 C.F.R §§ 152.500 and 156.10. Misbranded pesticide devices are prohibited from sale and distribution in the U.S.; therefore, any sale or distribution of the products in this shipment is a violation of FIFRA § 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F).

The NOD further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the product is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on August 12, 2020, you sent EPA an email which identified an EPA company number assigned to the manufacturer. You were told that the manufacturer's company number is not sufficient to prove compliance; however, EPA did not receive anything further.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: Vedo Chandrabhan, Galaxy Custom House Brokers (vedwat@galaxyftr.com)
Terrance Brennan, U.S. Customs and Border Protection (terrance.m.brennan@cbp.dhs.gov)